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## Comments on Supplement to Draft EIS for Proposed Yucca Mountain Repository

It seems clear to us from the Supplement to the Draft Enivonmental Impact Statement for the Proposed Yucca Mountain High-Level Nuclear Waste Repository that the DOE is attempting to be responsive to some of the more stringent scientific criticisms of the site design in that original document. We are grateful for that attention to public and professional concerns. However, there are still many issues that are dealt with inadequately in the Supplement, or not dealt with at all.

### *Legal Process*

1. **The Supplement is little more than an outline, and the public EIS comment process is completely premature.** If the repository design is still 'evolving" before the ink is dry on the last version, why are we being asked to review it, and why is the EIS process moving forward? This 125-page document outlines in very sketchy format enormous changes to both the design and the entire operation of the proposed repository for many years to come. Entirely new facilities and waste handling processes are barely described, with little mention of relevant studies on environmental impacts. We do not believe that this premature and incomplete approach to the EIS/NEPA process is legal, let alone ethical or responsible to U.S. taxpayers or residents of this region. Is exposing our region to this incomplete plan merely being done to avoid litigation from nuclear utility companies? Future generations and the planet itself deserve far better than that. 1

2. **The Supplement does not follow the National Environmental Policy Act, which requires clear plans for the Proposed Action, and clear alternatives for comparison.** DOE does not provide clear definitions of a proposed design for either the geologic repository or the surface facilities. Rather, it lays out a number of design variables and operational parameters which could be combined in different ways, all still in an exploratory stage. The Supplement is a very interesting Working Paper, but the NEPA legal process requires clear alternatives for the public to evaluate. 2

3. **The DOE must have a final design choice to recommend the site to the president and congress, as well as to apply for a license to the NRC. What is it?** The Final EIS is supposed to reflect whatever design the Energy Secretary describes as a comprehensive basis for Site Recommendation. We understand that the DOE has opened a public "Site Recommendation" comment period on May 4th. What are we being asked to comment on?

4. **Even current use of the Yucca Mountain site is in violation of the Western Shoshone Treaty of Ruby Valley (ratified in 1863).** The United States has repeatedly failed to show legal title to this and other lands within this treaty boundary, in U.S. and international courts (the Organization of American States). Section 3.1.1 describes how the DOE would obtain "permanent control" of the land surrounding the repository site, but makes no mention of legal title. The Nuclear Regulatory Commission requires DOE to prove ownership of the lands it plans to use, yet the DOE does not have ownership, only control.

5. **Contamination of water will not be licensed by the state of Nevada.** The filtered waste water from the fuel pools, and from washing down the transportation casks, would then go to evaporation pools (Section 2.3.2.4.2). This proposed use of water was specifically opposed by the Nevada State Engineer when he denied the water-use permit for the project. (The current permit expires in the spring, 2002.)

6. **The DOE can't use water that it doesn't have.** The Supplement should not assume (Water Supply, 2.3.4.5, pages 2-19 and 3-6) that the repository water supply will be appropriated from the State of Nevada. DOE's application was denied because a repository is not in the public interest. Water will not be available unless the Nevada State Engineer is overturned on appeal. The Supplement should look at alternative water sources and evaluate the impacts of these alternatives.

7. **By only holding public hearings in the immediate vicinity of Yucca Mountain, the DOE is shirking its responsibility** to all U.S. taxpayers who are footing the bill, and who will be greatly affected by proposed transportation of highly irradiated fuel rods to the site. All people should have the right to a full presentation, and to review and comment on these broad changes to a huge national policy.

### *Design Specifics*

1. **The North Portal Operations Area (2.3.2.1) lends a mere five paragraphs to the entirely new concept of fuel blending,** mixing and repackaging waste, etc.. Potentially deadly problems that have happened at nuclear reactor sites already, such as cranes getting jammed while lifting rods out of pools, lids being dropped or gases threatening explosion, would be greatly magnified by sheer volume. Given the precise nature of the record-keeping that would be required for such a dangerous operation, and the failed history of both the DOE and commercial reactors in this regard (one of whom can't even *find* all their used rods right now) this concept needs a great deal more planning and opportunities for public discussion.

2. **Nuclear fuel blending inventory pools which would store up to 12,000 fuel assemblies are just glimpsed in a diagram** (Figure 2-5) and barely mentioned. There is no detail on the design, water source, water circulation and treatment, or safety features. One sentence in the Wastewater section (2.3.4.2) mentions the 10% increase in evaporation pools from this source. Yucca Mt. is in the third most active earthquake zone in the U.S. We could find no mention of these pools and the fuel rods stored in them in any accident or earthquake scenarios (3.1.8). Only dry storage components were mentioned. There is no mention of any study on ground or surface water impacts in the event of an accident or earthquake.

8 3. **A 200 acre above ground storage facility that would store 4,500 dry storage casks of spent commercial fuel on a cement pad for up to 50 years (page 2-8; 3-7; Figure 2-4) is mentioned in a few sentences.** To our knowledge, this site has not even been studied yet for suitability. Based on seismic activity in the aea, it seems extremely unlikely that it could meet NRC criteria for "Independent Spent Fuel Storage Facility Installations" as a stand-alone facility (10 CFR Part 72). There is no mention of this facility in the Accidents section (3.1.8 and S-6). There is no mention of any ground or surface water studies on how this facility could impact our water in the event of storm runoff, which occurs every few years in that region. Cannisters arriving at the WIPP facility have already proven to have surface contamination from their source sites. Irradiated nuclear fuel is vastly more dangerous.

9 4. **Disturbing Native American Cultural Resource sites (Section 3.1.5) is unacceptable.** The Supplement notes that additional facilities it proposes, such as the above ground storage facility, and the solar generating array, could impact highly significant archaeolofical sites. It notes that over 25,000 artifacts were already disturbed in one area alone. The Yucca Mountain area is not a long abandonned series of archaeological sites, but a place where Western Shoshone continue to gather for active spiritual ceremony.

10 5. **Neither the Draft EIS nor the Supplement takes into account the severe flooding that regularly occurs in our area.** Most people do not understand that although rainfall is infrequent here, there is little vegetation to hold it back, once it comes. The Amargosa Opera House has a high water mark of three feet inside. All transportation has been cut off for days at a time in the last thirty years by flooding of the Amargosa River, sometimes necessitating airlifts of critical supplies. Debris from the interior of the Nevada Test Site still lines the south side of Highway 95 in Nevada from the 1995 flood of Forty Mile Wash. A recent study by the US Geological Survey about moderate to severe storm drainage in our area states that the already radioactive effluent from the Nevada Test Site, and potentially contaminated effluent from the Yucca Mountain area, runs directly into our Amargosa River. This impacts the California communities of Death Valley Junction, Shoshone, Tecopa, Baker, the Timbisha Shoshone Tribe, the 1.4 million visitors each year to Death Valley National Park. Above ground nuclear storage and handling facilities would directly impact surface water, unlike the deep repository component. It is vital that the DOE take this new USGS study into account.

11 6. **Store the waste before transporting it, not after. Above-ground storage to cool high-level nuclear waste should take place as close to the site of origin as possible** to eliminate transportation dangers to the public and residents of this area. We agree that above-ground storage is the safest method currently available, but dispute the plan to transport it to an additional location. On-site storage would also relieve the pressure that fosters this rushed and poorlydeveloped approach, and give the DOE adequate time to research a truly safe and responsible solution. This would be a realistic modification for the No-Action Alternative in the Yucca Mountain DEIS.

12 7. **There's a lot we still don't know, and neither does the DOE. Waste Package and Drip Shield design** (2.3.4.1) depends largley on a metal, Alloy-22, that has only been in use for 20 years. This Supplement does not acknowledge the orders of magnitude of uncertainty that the DOE waste package peer review is now questioning about Alloy 22, uncertainties about the titanium drip shields, and uncertainties in subsurface performance of both these metals. (The Alloy-22 initial peer review report is not due until September, with the final report in February 2002.)

13... 8. **The Supplement does not take into account a number of serious discrepancies in the original DEIS document affecting socioeconomics and radiation dose calculations** that have been pointed out about this region, such as huge discrepancies in population and employment figures in Nye county. There-

13 cont fore, how can the socioeconomic or radiation dose calculations be accurate?

14 9. **We commend the DOE's proposed use of solar power to operate a nuclear facility.** In fact, we hope the DOE expands this encouraging precedent into a sound national policy of locally appropriate renewable energy facilities, thus phasing out deadly nuclear reactors entirely.

### *General Comments*

15 1. **Many of the thousands of comments submitted on the Draft EIS to the DOE specifically asked for a Supplemental document on Transportation.** However, this critical concern is not mentioned in the Supplement. We note that in the "Total System Life Cycle Cost of the Civilian Radioactive Waste Management Program" DOE document, also released in May, 2001, the DOE states that "Transportation will be carried out using commercially available equipment…DOE will rely on the private sector to provide the necessary services to accept and transport HLW and DOE SNF (except naval SN) to the potential repository." The fifty million Americans who reside within a half mile of proposed transportation routes are expecting a great deal more detail and opportunity to comment than that.

16 2. **The Proposed Yucca Mountain Repository is a very poor use of taxpayer funds- for the money already spent, irradiated fuel rods could already be contained.** According to the "Total System Life Cycle Cost of the Civilian Radioactive Waste Management Program" DOE document, suitable contaners for on-site storage can be fabricated for $100,000 per metric ton of irradiated fuel. When calculated for the 77,000 tons of irradiated fuel estimated for disposal in the next thirty years, the cost would be 7.7 billion dollars. Assuming that mass production would reduce the cost further, the $6.7 billion already spent on Yucca Mountain could have provided safe containers on site already.

17 3. **This document confirms that it is completely impossible for the proposed repository to meet its original mission, "to isolate high-level nuclear waste from the biosphere".** Page S-7 states that the mean annual radiation dose will continue to rise for thousands of years after the arbitrary 10,000 year licensing period, that the peak dosage could be up to 17 times higher than current permissable levels for future generations under the best of conditions. Has any other federal project, let alone one that is currently estimated to cost $58 billion dollars, ever guaranteed its own failure, right from the start?

We appreciate your consideration of our comments, and the opportunity to participate in this important process.

Sincerely,

Jennifer O. Viereck

Jennifer Olaranna Viereck, Director